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Report of the United Nations High Commissioner for Human Rights on Colombia

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Introduction

1. This report has been prepared pursuant to the statement made by the Chairman of the Commission on Human Rights at its fifty-second session on the situation of human rights in Colombia, in which the Commission requested the High Commissioner to report to it at its fifty-third session on the setting up of a human rights office in Colombia and on the activities carried out by it in implementing its mandate.

2. In accordance with the statement made by the Chairman on 23 April 1996, the High Commissioner has the honour to submit to the Commission this report on the intensive negotiations leading to the successful conclusion and signing, on 29 November 1996, of the Agreement on the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia.

I. STATEMENT BY THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS ON THE SITUATION IN COLOMBIA

3. It will be recalled that, at the 60th meeting of the Commission on Human Rights, held on 23 April 1996 in the course of its fifty-second session, the Chairman of the Commission made the following statement on the situation of human rights in Colombia:

> "The Commission on Human Rights is deeply concerned that the situation of endemic violence affecting many parts of the country and the confrontation between government and guerrilla groups have resulted in serious consequences for human rights in the country.
>
> "The Commission on Human Rights acknowledges the efforts carried out by the Government in the field of human rights and its willingness to cooperate with the special rapporteurs and working groups; welcomes the collaboration provided by the Government of Colombia to the United Nations High Commissioner for Human Rights during the visit he paid to the country last year; and notes the establishment of a follow-up commission in charge of analysing and promoting the fulfilment of recommendations of the United Nations thematic rapporteurs and working groups, as well as of other international and regional organizations.
>
> "The Commission on Human Rights is, however, deeply concerned about violations of the right to life, as extensively evidenced in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Thousands of lives are lost every year as a result of various acts of violence, especially in the context of the armed conflict between the Government and the guerrillas, as well as by the action of paramilitary groups. Such conflict entails serious and continuous abuses and violations of humanitarian law by both State agents and guerrilla groups, the latter persisting in prohibited practices such as the taking of civilian hostages.

"The Commission on Human Rights acknowledges that the Government of Colombia has taken steps for the application of humanitarian standards in the conflict, inter alia by an agreement with the International Committee of the Red Cross to facilitate its humanitarian activities in the country.

"The Commission on Human Rights remains deeply preoccupied by the large number of cases of disappearances, as shown in the report of the Working Group on Enforced or Involuntary Disappearances. The application at the national level of the Declaration on the Protection of All Persons from Enforced Disappearance faces several obstacles, generating impunity.

"The Commission on Human Rights, while taking note of the intention manifested by the Government of Colombia to undertake efforts in order to enhance the rule of law, calls for the urgent adoption of more effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in accordance with article 3 of the Declaration.

"The Commission on Human Rights remains concerned about the alarming level of impunity, in particular concerning abuses by State agents that presently fall under the jurisdiction of military courts; it encourages the Government of Colombia to continue and conclude the process of reform of the military penal code in accordance with the recommendations made by the thematic rapporteur, in particular as far as the exclusion from the jurisdiction of military courts of crimes against humanity is concerned. It takes note of the establishment of a human rights unit in the Office of the National Prosecutor with competence to investigate and indict State agents, guerrillas and members of paramilitary groups responsible for violations of human rights or humanitarian law.

"The Commission on Human Rights is deeply concerned also about the persistence of the practice of torture. The report of the Special Rapporteur on the question of torture shows that the steps taken by the Government of Colombia have not resulted in a tangible improvement of the overall situation, and that the crime of torture is hardly punished. The information before the Committee against Torture indicates that the law in Colombia is not yet in accordance with several obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

"The Commission on Human Rights urges the Government of Colombia to continue strengthening ordinary justice versus special systems of justice, the misuse of which can lead to serious violations of human rights. The competence of the courts of regional jurisdiction should be limited, and should in no instance be applied to acts of legitimate political dissent and social protest. In no instance should defendants before regional courts be denied a fair trial.

"The Commission on Human Rights - while encouraging the work of the special commission set up by the Government of Colombia for the

follow-up and implementation of the recommendations of the thematic rapporteurs - considers that the implementation of such recommendations and those of working groups is still not sufficient and that the human rights situation has not improved significantly, and recalls the resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1995.

"The Commission on Human Rights requests the United Nations High Commissioner for Human Rights to proceed, upon the initiative of the Government of Colombia and the identification of adequate sources of financing, to establish at the earliest possible date a permanent office in Colombia with the mandate to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making analytical reports to the High Commissioner; it requests the High Commissioner to report to the Commission at its fifty-third session on the setting up of the office and on the activities carried out by it in implementing the above mandate."

II. NEGOTIATION AND CONCLUSION OF THE AGREEMENT ON THE ESTABLISHMENT OF AN OFFICE OF THE HIGH COMMISSIONER IN COLOMBIA

4. The process of negotiating the recently signed Agreement on the establishment of an Office of the High Commissioner in Colombia began almost two years ago, on 13 December 1994, when the High Commissioner met the President of the Republic in Santafé de Bogotá. On that occasion, the High Commissioner suggested that the President of the Republic might wish to consider the appointment of an expert, based in Colombia, who could provide the technical assistance needed, particularly in the areas of legislative reform and the administration of justice.

5. The President received this idea favourably and undertook to consider a more detailed proposal.

6. As a follow-up to his proposal, the High Commissioner sent an evaluation mission to visit Colombia from 21 August to 4 September 1995 in order to ascertain the country's needs and priorities regarding technical cooperation in the field of human rights.

7. One of the recommendations made by the evaluation mission in its report concerned the setting up of an office of the High Commissioner in Santafé de Bogotá to advise the Government and State institutions concerned with the protection of human rights (Public Prosecutor, Government Procurator, People's Advocate, courts) in order to strengthen their role in protecting human rights through the implementation of international instruments and relevant recommendations of United Nations human rights bodies.

8. The office would also facilitate access to United Nations protection mechanisms for all sectors of society affected by grave human rights violations. It would also set up machinery to enable the parties to a conflict to fully observe international humanitarian law, particularly in areas seriously affected by violence.

9. In March and April 1996, during the fifty-second session of the Commission on Human Rights, at the request of the Government, representatives of the High Commissioner held meetings with senior representatives of the Government of Colombia to work out a preliminary draft agreement on the establishment of an Office of the High Commissioner in Colombia.

10. Following the statement by the Chairman of the Commission on the situation of human rights in Colombia, representatives of the High Commissioner and the Government held further rounds of consultations which resulted in the adoption of a second preliminary draft agreement in August 1996.

11. The draft was the subject of extensive consultations between the Office of the High Commissioner and representatives of the Office of Legal Affairs and the Department of Political Affairs at United Nations Headquarters in New York.

12. Following these consultations, further negotiations were held with the representatives of the Government, culminating in the signing of the Agreement on the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia on 29 November 1996. The Agreement, which was signed in Geneva by the High Commissioner and the Minister for Foreign Affairs of Colombia, is accompanied by a letter, signed at the same time, concerning the selection of the premises for the High Commissioner's office in Colombia. The text of the Agreement is annexed to this report.

13. The High Commissioner is at present holding consultations on the appointment of a Director of the office in Colombia. Then, in consultation with the European Union and representatives of the International Commission of Jurists, work will begin on selecting five international staff whom the European Union has offered to finance. Local support staff will then be recruited and, in consultation with the Government, the most suitable premises in terms of neutrality, security and accessibility, will be selected.

14. The High Commissioner estimates that the office in Santafé de Bogotá will be open to the Colombian public by mid-March 1997.

Annex

Agreement on the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia

The Government of the Republic of Colombia, represented by the Minister for Foreign Affairs, Mrs. María Emma Mejía Vélez, and the United Nations, represented by the High Commissioner for Human Rights, Mr. Jose Ayala Lasso, in accordance with the obligation undertaken by States in ratifying the Charter of the United Nations, particularly those concerning the duty to promote universal respect for human rights and fundamental freedoms for all and the pledge contained in Article 56 to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55 of the Charter,

REAFFIRMING the purposes and principles of the Charter of the United Nations, in particular international cooperation in promoting and encouraging respect for human rights,

RECOGNIZING the importance of observance of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments, as well as respect for international humanitarian law applicable to armed conflicts, and bearing in mind the complementarity between human rights and international humanitarian law in improving protection of the individual and respect for his dignity in situations of armed conflict,

CONSIDERING the invitation extended by the President of the Republic of Colombia to the United Nations High Commissioner for Human Rights (hereinafter: the High Commissioner) during their meeting in December 1994, and reiterated in a written communication dated 2 April 1996, to open an office of the High Commissioner in Colombia,

BEARING IN MIND the statement made by the Chairman of the United Nations Commission on Human Rights on 23 April 1996, at the Commission's fifty-second session, in which the Commission requests the High Commissioner to proceed, upon the initiative of the Government of Colombia and the identification of adequate sources of financing, to establish at the earliest possible date a permanent office in Colombia with the mandate to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making analytical reports to the High Commissioner; the Commission also requests the High Commissioner to report to it at its fifty-third session on the setting up of the office and on the activities carried out by it in implementing its mandate,

WHEREAS the establishment of the office is based on the mandate vested in the High Commissioner by the General Assembly of the United Nations in its resolution 48/141 of 20 December 1993,

BEARING IN MIND the entry into force for Colombia of Additional Protocol II to the Geneva Conventions of 1949 and the conclusion in 1996 of the agreement between the Government of Colombia and the International Committee of the Red Cross (ICRC) setting out the parameters enabling ICRC to continue its humanitarian task and facilitating its work regarding the promotion, dissemination, implementation and observance of international humanitarian law,

WHEREAS the office which is the subject of this Agreement affords important opportunities for the promotion and protection of the life, integrity, freedom and other fundamental rights of the individual in the climate of violence and internal armed conflict prevailing in Colombia,

HAVE AGREED AS FOLLOWS:

I. DEFINITIONS

1. For the purposes of this Agreement:

(a) "The Office of the High Commissioner" (hereinafter: the Office) means the Office opened in Santafé de Bogotá by the High Commissioner, following the request made to him by the Commission on Human Rights and the initiative of the Government of Colombia;

(b) "Premises" means the physical premises of the Office in Santafé de Bogotá and other locations used by the Office to conduct its activities in accordance with the provisions of this Agreement;

(c) "The Government" means the Government of the Republic of Colombia; for the purposes of this Agreement, the Government is understood to represent the Colombian State;

(d) "The Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;

(e) "The parties" means the United Nations and the Government of the Republic of Colombia;

(f) "The Director of the Office" means the United Nations official responsible for conducting and overseeing, on behalf of and under the authority of the High Commissioner, the activities of the Office, including the necessary logistical and administrative arrangements, and for ensuring coordination of the activities of the Office with the Government and the representatives of the competent international agencies present in Colombia;

(g) "Officials of the United Nations" means the staff members of the United Nations employed under the Staff Regulations and Rules of the United Nations, with the exception of persons who are recruited locally and paid hourly rates, as provided for in United Nations General Assembly resolution 76 (1) of 7 December 1946;

(h) "Experts on mission" means individuals other than officials of the United Nations coming within the scope of article VI of the Convention;

(i) "Staff of the Office" means officials of the United Nations and experts on mission assigned to the Office;

(j) "Local Office staff" means persons recruited locally and paid hourly rates.

II. PURPOSE AND GEOGRAPHICAL SCOPE OF THE AGREEMENT

2. The purpose of this Agreement is to establish the Office of the High Commissioner in Colombia and to define the aims, criteria, functions and status of the Office and its staff.

3. Unless stipulated otherwise, the provisions of this Agreement and any obligation undertaken by the Government, or any privilege, immunity, facility or concession granted to the Office or to any member of its staff shall apply throughout the territory of Colombia and any other area under its jurisdiction.

III. APPLICATION OF THE CONVENTION

4. The Office, its staff, property, funds and assets shall enjoy the privileges and immunities specified in the present Agreement, as well as those provided for in the Convention, to which Colombia is a Party.

IV. GENERAL AIMS AND CRITERIA FOR THE ACTIVITIES OF THE OFFICE

5. In accordance with the mandate described in the preamble to this Agreement, the Office shall observe the human rights situation with a view to advising the Colombian authorities on the formulation and implementation of policies, programmes and measures to promote and protect human rights in the climate of violence and internal armed conflict prevailing in Colombia, and to enable the High Commissioner to make analytical reports to the Commission on Human Rights. In carrying out its mandate, the Office will focus its activities on cooperation with the Government of Colombia in order to assist in improving the human rights situation and, in conjunction with ICRC, to promote, within the limits of their respective mandates, respect for and observance of human rights and international humanitarian law in Colombia. The Office shall also advise the representatives of civil society, non-governmental human rights organizations and individuals on matters within its competence.

6. The activities of the Office shall be guided by the following criteria:

(a) All activities of the Office shall be directed towards the discharge of its mandate and attainment of its objectives;

(b) In view of the complexity of the situation in Colombia, the Office shall act, subject to the provisions of this Agreement, as a focal point, with a view to promoting a climate of trust with all sectors involved in and concerned with human rights problems and shall maintain contact and coordinate its activities with the national Government;

(c) The Office shall act with discretion and, in its relations with all sectors involved in matters within its competence, be guided by the principles of the United Nations, such as impartiality, independence, objectivity and transparency.

V. FUNCTIONS OF THE OFFICE

7. The functions of the Office, which are set out in its mandate and shall be performed under the authority of the High Commissioner, shall be the following:

(a) Advising the Executive Power on the overall formulation and implementation of human rights policies. In this context, it may advise the security forces. It shall also advise the Legislative Power and ensure that all draft human rights legislation is consistent with international human rights instruments;

(b) Advising representatives of civil society and individuals on any matter concerning the promotion and protection of human rights, including the use of international protection mechanisms;

(c) Advising existing and any future national institutions concerned with the promotion and protection of human rights, in particular, the Office of the Procurator-General and the Office of the People's Advocate, as well as the Office of the Public Prosecutor and members of the judiciary, with a view to strengthening their action;

(d) Advising State and non-governmental bodies on public education programmes and on programmes for the training of law-enforcement officials, lawyers and members of the judiciary;

(e) Ensuring that the recommendations and decisions of United Nations bodies are duly taken into account by government agencies with related duties and responsibilities, and advising them on the adoption of specific implementation measures;

(f) Receiving complaints on human rights violations and other abuses, including breaches of humanitarian law applicable in armed conflicts. The Office shall transmit such complaints promptly to the competent national authorities in order to expedite action on

them in accordance with domestic legal procedures. When, in the opinion of the Office, such procedures are not compatible with the provisions of international instruments, it shall so notify the competent authorities and may make recommendations regarding the possibility of adopting corrective measures. When the Office deems that circumstances so require, it shall keep the identity of authors of complaints secret. The Office may also recommend and promote measures for the protection of authors of the complaints which it receives, and of victims of and witnesses to the acts in question. The Office shall urge and encourage complainants to lodge their complaints with the competent authorities as quickly as possible. In considering the complaints which it receives, the Office shall not assume the functions of national and intergovernmental bodies which, under Colombian law or international treaties to which Colombia is a party, have powers of inspection, investigation and judgement. In particular, the Office shall refrain from issuing categorical statements identifying individuals or organizations as legally responsible for having committed the acts of which they are accused;

(g) Maintaining continuous contact with all competent civil and military government and State agencies and with civil organizations for the promotion and protection of human rights, with a view to observing and maintaining independent and impartial surveillance of the human rights situation, with due regard to the climate of violence and internal armed conflict prevailing in the country. To these ends, the Office shall agree with the Government and competent State agencies on the form and establishment of permanent mechanisms for communication, consultation and cooperation with the above-mentioned sectors, without prejudice to the freedom of the Office to establish any contacts it deems necessary for the conduct of its activities. When it is necessary to make contact with persons deprived of their freedom, the Office shall coordinate such contacts with the competent authorities.

8. The Office shall report to the Government regularly on its concerns and assessments regarding matters within its mandate, with a view to promoting dialogue on them and obtaining relevant observations. The Office shall make public announcements only in the form of reports and statements by the High Commissioner and the Director of the Office.

9. The Office shall report exclusively to the High Commissioner on the activities carried out within its mandate and its functions, on conditions which have facilitated or impeded them, on action-oriented commitments by the Government and on any resulting measures, as well as recommendations for future action.

10. The High Commissioner shall present publicly to the United Nations Commission on Human Rights detailed analytical reports on the activities of the Office and on other matters referred to in the foregoing paragraph, as well as on the human rights situation in Colombia, bearing in mind the climate of violence and internal armed conflict. He shall also make any observations

and recommendations he deems necessary. For the discharge of their respective mandates, the High Commissioner shall make the relevant information gathered by the Office available to the various bodies established under human rights treaties to which Colombia is a party, as well as to other United Nations human rights mechanisms and programmes.

11. The Government may express its views on the above-mentioned High Commissioner's reports and make any observations it deems necessary on their content, and may request the High Commissioner to transmit such observations to the Commission on Human Rights, without prejudice to the right of the Government to address the Commission itself when it deems necessary.

VI. STATUS AND COMPOSITION OF THE OFFICE

12. The Office shall have its headquarters in Santafé de Bogotá. It may also set up sub-offices, where necessary and feasible, with the agreement of the Government.

13. The Office shall comprise six (6) professionals appointed by the High Commissioner, and such local staff as may be deemed necessary. The Director of the Office shall be an individual of recognized relevant expertise. The number of professionals may be increased with the agreement of the Government.

14. The Office shall be open to the public.

15. The Office and its staff shall refrain from any activity incompatible with the international and impartial nature of their functions or contrary to the spirit of this Agreement or Colombian law. The Director of the Office shall take all necessary measures to ensure compliance with these obligations. The Government shall undertake to respect the exclusively international status of the Office.

16. The Office and any sub-offices, their property, funds and assets, wherever located and by whomsoever they are held, shall enjoy immunity except in so far as, in any particular case, the United Nations has expressly waived immunity. Such waiver shall not, however, extend to measures of execution.

(a) All premises used by the Office shall be inviolable. The property and assets of the Office and its sub-offices, wherever located and by whomsoever they are held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action;

(b) The appropriate local authorities shall not enter the premises of the Office except with the express consent of the Director of the Office and under conditions agreed to by him.

17. The archives of the Office and in general all documents belonging to it or in its possession, wherever they are located and by whomsoever they are held, shall be inviolable.

18. The Office, its assets, income and other property shall:

(a) Be exempt from all direct taxes and value added tax under the terms of section 8 of the Convention; it is understood, however, that the Office may not claim exemption from taxes which are in fact no more than charges for public utility services;

(b) Be exempt from Customs duties and prohibitions and restrictions on articles imported or exported for its official use. It is understood, however, that articles imported free of duty shall not be sold on Colombian territory, except under conditions agreed upon with the Government;

(c) Be exempt from Customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

19. The Office shall enjoy the facilities in respect of communications provided for in article III of the Convention. Accordingly, no censorship shall be applied to the official correspondence and other official communications of the Office. Such immunity shall extend to printed matter, photographic and electronic data and other forms of communication. The Office shall be entitled to use codes and to dispatch and receive correspondence either by courier or in sealed pouches, all of which shall be inviolable and not subject to censorship. The staff of the Office shall be entitled to communicate with their headquarters in Geneva and with staff members in the field by radio, telephone, fax, satellite or any other means of communication.

VII. STATUS OF THE STAFF OF THE OFFICE

20. The Director of the Office shall enjoy in Colombia the privileges and immunities provided for in the Convention.

21. Officials of the United Nations assigned to the Office shall enjoy the privileges and immunities provided in articles V and VII of the Convention.

22. Experts on mission for the United Nations shall enjoy the privileges and immunities provided for in article VI of the Convention.

23. Such privileges and immunities shall be accorded to officials in the interest of the United Nations and not for the benefit of the individuals themselves. The Secretary-General of the United Nations shall have the right and duty to waive the immunity of any official in any case in which, in his view, such immunity impedes the course of justice and may be waived without prejudice to the interests of the United Nations. The Office shall cooperate with the competent Colombian authorities in facilitating the proper administration of justice, ensuring compliance with public regulations and preventing any abuses in connection with such privileges, immunities and facilities.

VIII. ENTRY INTO, EXIT FROM AND MOVEMENT WITHIN COLOMBIA

24. The staff and officials of the Office shall enjoy unrestricted freedom of entry into and exit from Colombia, without delay or hindrance, of its members, property, supplies, equipment, spare parts and means of transport, in accordance with the Convention.

25. The staff of the Office shall enjoy unrestricted freedom of movement throughout the territory of Colombia. The Government shall facilitate freedom of movement in restricted areas, in coordination with the competent authorities. Freedom of movement shall include the following prerogatives, to be exercised in accordance with the mandate of the Office:

(a) Access to all prisons, detention centres and places of interrogation. The staff of the Office shall have the possibility of speaking in private with any person detained or present in such places, in accordance with the provisions of article V, paragraph 7 (g);

(b) Access to central and local authorities in all branches of Government, including the police and armed forces;

(c) Direct contacts with private individuals, representatives of non-governmental organizations, private institutions, hospitals and medical centres and the media;

(d) Access to all official documentary material necessary for the proper conduct of the activities of the Office, with the exception of documents which are confidential.

IX. FLAGS, EMBLEMS AND MARKINGS

26. The Office may display the United Nations flag and/or emblems on its premises, official vehicles and otherwise as agreed between the Parties. Vehicles of the Office shall carry a distinctive United Nations emblem or marking which shall be notified to the Government.

X. IDENTIFICATION

27. The Government shall, at the request of the Director of the Office, issue to the staff of the Office the necessary identity documents stating that, as members of the staff of the Office, they enjoy privileges and immunities, in particular with regard to freedom of movement.

28. At the request of an authorized government official, members of the staff of the Office shall produce, but not surrender, their identity documents.

29. The Office shall, upon termination of employment or reassignment of any member of its staff, ensure that all identity documents are returned promptly to the Government.

XI. GOVERNMENT GUARANTEES

30. The Government shall afford the Office and its staff the necessary security throughout Colombia for the effective conduct of its activities. To this end, the Office shall notify the designated government authority in good time of any proposed travel arrangements which might entail a risk to the safety of its staff.

31. The Government undertakes to respect the status of the Office and its staff and to ensure that no person who has had contact with the Office is subjected to abuse, threats, reprisals or legal proceedings on those grounds alone.

32. Wherever this Agreement refers to the privileges, immunities and rights of the Office and its staff and to the facilities the Government undertakes to provide, the Government shall have the responsibility of ensuring that the competent local authorities respect those privileges, immunities and rights and provide the facilities in question.

XII. SETTLEMENT OF DISPUTES

33. Any dispute between the Office and the Government regarding the interpretation and application of this Agreement, or any other supplementary agreement, which is not settled by negotiation or another agreed mode of settlement shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator and the two arbitrators so appointed shall appoint a third who shall be the chairman. If within thirty (30) days of the request for arbitration either Party has not appointed an arbitrator, or if within fifteen (15) days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. The arbitration procedure shall be determined by the arbitrators and the costs of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award, duly substantiated, shall be accepted by the Parties as final.

XIII. LIAISON WITH THE GOVERNMENT

34. The Government shall designate a high-level liaison body with decision-making power, to ensure communication with the Office regarding all matters relating to its activities.

XIV. SUPPLEMENTARY AGREEMENTS

35. The High Commissioner and the Government may conclude supplementary agreements to this Agreement.

XV. FINAL PROVISIONS

36. The Office and its staff and the Government undertake to abide by the provisions of this Agreement.

37. This Agreement shall enter into force on the date of signature.

38. This Agreement shall be valid for 17 months. The Parties may extend it for periods of one year by an exchange of written communications expressing their wish to do so. Such communications shall be sent not less than 90 days before the expiration of the 17-month period referred to in this paragraph or the expiration of the current one-year extension.

39. While the Agreement is in force, either of the Parties may terminate it by so notifying the other Party in writing. The termination shall take effect 90 days after the receipt of such notification.

Done in Geneva, on the twenty-ninth day of November one thousand nine hundred and ninety six, in two copies in Spanish, both texts being equally authentic.

(Signature):

For the Government of the
Republic of Colombia

María Emma Mjía Vélez
Minister for Foreign Affairs

(Signature):

For the United Nations

José Ayala Lasso
High Commissioner for Human Rights

Geneva, 29 November 1996

Mrs. María Emma Mejía Vélez, Minister for Foreign Affairs (on behalf of the Government of Colombia), and Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights (representing the United Nations), have agreed as follows:

1. The United Nations thanks the Government of Colombia for its generous offer to provide premises for the High Commissioner's Office in Colombia.

To this end, the following procedure shall be adopted:

(a) The High Commissioner, with the agreement of the Government of Colombia, shall select the premises which he considers suitable in terms of neutrality, security and accessibility and as being of a standard equivalent to that of other United Nations offices in Colombia;

(b) The selected premises shall be rented for the duration of the existence of the Office of the High Commissioner in Colombia;

(c) The Government of Colombia shall bear the cost of renting the premises in question through monthly payments.

2. This letter is signed in Geneva simultaneously with the signature of the Agreement for the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia.

María Emma Mejía Vélez
Minister for Foreign Affairs
of Colombia

José Ayala Lasso
United Nations High Commissioner
for Human Rights